

REMARKS

These amendment and remarks are being filed in response to the Office Action dated November 18, 2002. For the following reasons, this amendment should be entered, the Application allowed, and the case passed to issue.

No new matter or new considerations are introduced by this amendment. The proposed amendment to claim 5 does not raise new considerations, as claim 5 is proposed to depend from claim 3, and claims 3 and 5 have been previously considered. Applicant submits that if this application is not allowed the amendment should be entered as it reduces the issues on appeal.

Claim Rejection Under 35 U.S.C. § 112

Claim 3 is rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not appear to describe a "semiconductor element to estimate an energy spectrum of the α rays." This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

The specification describes the semiconductor element to estimate an energy spectrum of the α rays on page 6, lines 9-27, particularly lines 11-17. Applicant submits that claim 3 fully comports with the requirements of 35 U.S.C. § 112.

Claim Rejections Under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious predicated upon Ross (U.S. Patent No. 3,227,876) in view of Hossain et al. (U.S. Patent No. 6,075,261), or Kitaguchi et al. (U.S. Patent No. 5,321,269) in view of Hossain et al. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Claim 5 is proposed to amend from claim 3. Claim 3 has only been rejected under 35 U.S.C. § 112. As explained *infra*, support for claim 3 is found in the specification, thus claim 3 is

allowable. Therefore, claim 5 is allowable for at least the same reasons as claim 3. Claim 5 is further distinguishable over the cited prior art because claim 5 further requires that no boron containing layer is provided on the analyzing portion. The cited references do not suggest the claimed semiconductor device with this additional limitation.

Allowable Subject Matter

Claim 4 is allowed. Applicant gratefully acknowledges the indication of allowable subject matter.

Applicant submits that claims 3 and 5 are allowable as claim 3 is rejected only under 35 U.S.C. § 112, first paragraph, and Applicant has shown where the specification teaches the claim limitations.

In light of the above remarks, this amendment should be entered, the application allowed, and the case passed to issue. If there are any questions regarding these remarks or the application in general, a telephone call to the undersigned would be appreciated to expedite prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

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